

MURRAH
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BOHANON - Barrow

No. 67-C-202

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>National Trailer Convoy, Inc., Morgan Drive Away, Inc., and Transit Homes, Inc.,</p> <p>VS</p> <p>The United States of America and Interstate Commerce Commission,</p> <p>National Trailer Toters, Inc. Intervenor.</p> <p>Three Judge case:</p>		<p>For plaintiff:</p> <p>✓ Grove, Jaskiewicz & Gilliam, 600 Madison Building, 1155 15th Street, N. W. Washington, D. C. 20005</p> <p>✓ Gilland, Kharasch, Calkins & Lippman, 1824 R Street NW Washington, D. C. 20009</p> <p>✓ Ames, Hill & Ames, 529 Transportation Building, Washington, D. C. 20006</p> <p>✓ Gable, Gotwals, Hays, Rubin & Fox, 2010 4th National Bank Bldg., Tulsa, Oklahoma, 74119</p> <p>For defendant:</p> <p>Lawrence A. McSoud, U. S. Attorney James E. Ritchie, Ass't. U. S. Atty. 460 U. S. Courthouse, Tulsa, Ok. 74103 Donald F. Turner, Asst. Atty. Gen Washington, D.C. 20530 John H.D. Wigger, Dept of Just. Wash DC 20530</p> <p>2nd. Blackstock and Joyce 1304 Petroleum Club Building Tulsa, Okla. 74119 Raymond M. Zimmet & Robert W. Ginnane % Interstate Commerce Commission Washington, D. C. 20423</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 11-3-67	Clerk	10-13-67	Gable	15	00		
		10-19-67	CD 17			15 00	
J.S. 6 mailed 12-1-68	Marshal						
Basis of Action:	Docket fee						
Injunction	Witness fees						
Action arose at:	Depositions						

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
10-13-67	Complaint, filed. Summons Issued. e	
10-16-67	Summons returned filed - served Larry McSoud, U. S. Attorney for NDO at Tulsa, Okla. and mailing two copies to The Attorney General, Washington, D. C., both on Oct. 13, 1967. (Fee \$3.00) b	
10-20-67	Plaintiff's notice of motion for preliminary injunction, with affidavit of Wayne Thompson attached, filed. b	
10-20-67	Memorandum of points and authorities in support of plaintiffs' motion for preliminary injunction, filed. b	
10-25-67	Notice of motion and motion of Martin Trailer Toters, Inc., for continuance of hearing plaintiffs' motion for preliminary injunction, filed. b	
10-25-67	Motion of Martin Trailer Toters, Inc., to intervene as defendant, filed. b	
10-26-67	Ordered by the Court that the motion of Martin Trailer Toters, Inc., to intervene as defendant is granted and the hearing on plaintiff's motion for preliminary injunction is passed until Monday, October 30th, 1967 at 1:00 P. M. (Luther Bohanon - Judge) (FS-CSR) b	
10-26-67	Order of USCo Appeals that Court shall be constituted of Honorable Oliver Seth, United States Circuit Judge; Honorable Luther Bohanon, and Honorable Allen E. Barrow, United States District Judges, filed. (Alfred P. Murrah, Chief Judge C of A.) b	
10-26-67	Summons, returned and filed: served Roy Shumate at Sand Springs, Oklahoma, on 10-25-67. (USM \$6.12)g	
10-26-67	✓ Answer of intervenor, Martin Trailer Toters, Inc., filed. b	
10-30-67	Hearing held on plaintiff's motion for preliminary injunction, permission granted Martin Trailer Toters, Inc., to file affidavit of Harry Martin in open Court Ordered by the Court that by agreement of parties a limited preliminary injunction is entered, that bond is fixed in the sum of \$5,000.00. Government file response, record of ICC case and brief by December 13, 1967; plaintiffs file brief by January 15, 1967 and answer briefs be filed by February 15, 1967, and case to be heard at an early date. (Luther Bohanon-Judge)(Frank Sickles-CSR)	
10-30-67	Affidavit of Harry Martin, filed in open Court. b	
11-1-67	Preliminary injunction bond of plaintiff, in the sum of \$5,000.00, filed. (Approved - Luther Bohanon - Judge) b	
11-1-67	Summons, returned and filed: served Interstate Commerce Commission, Wash. D. C., on 10-18-67. (USM \$4.00)g	
11-3-67	Preliminary injunction pendente Lite and order for further proceedings, filed; that plaintiff post a \$5,000.00 bond within 5 days, USA and ICC file answers and record on or before 12-15-67; plaintiffs shall file briefs on or before 1-15-68; defendants and intervenor shall file answer briefs on or before 2-15-67; reply briefs shall be filed on or before 3-1-68; arguments will be heard as soon thereafter as may be determined by the Court. (Luther Bohanon - Judge) Copies mailed counsel.b	
11-7-67	List (letter) of 10 trucks used by intervenor, Martin Trailer Toters, Inc., during pendency of the limited injunction, filed. e	
12-29-67	Order extending time of defendants to 2-1-68 in which to answer filed. (LB-J) e	
1-26-68	✓ Joint answer of the United States of America and the Interstate Commerce Commission, filed. b	
2-9-68	Order amending briefing schedules, filed. (LB-J) w	
2-27-68	Letter from Blackstock and Joyce filed, showing two substitutions made in the list of trucks used. b	
3-1-68	Plaintiffs' Opening brief, filed. w	
3-26-68	Certified copies of pleadings filed with the Interstate Commerce Commission, filed. b	

(Continued on Page No. 3, Sheet No. 2)

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 2

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DATE	PROCEEDINGS	Date Order or Judgment Noted
3-29-68	Certified copy of application of Martin Trailer Toters, Inc. in Docket No. MC-128215, filed. w	
4-3-68	Order amending grieving schedule, defendants and interveners shall file answer briefs on or before May 10, 1968 and reply briefs shall be filed on or before May 25, 1968, filed. (LB-J) e	
4-29-68	Ordered by the Court that this case is set for hearing on Tuesday, June 11, 1968, at 9:30 A. M. (Alfred P. Murrah, Chief Judge USCoF A) b	
4-29-68	Order of 4-26-68 reconstituting the three-judge court as follows: Honorable Alfred P. Murrah, United States District Judge; Honorable Luther Bohanon, United States District Judge; and Honorable Allen E. Barrow, United States District Judge. (Alfred P. Murrah, Chief Judge USCoF A) b	
4-12-68	Letter (List) per Order for Preliminary Injunction Pendente Lite, filed. ds	
5-10-68	Joint brief of the United States of America and the Interstate Commerce Commission, filed. b	
5-10-68	Intervenor's Answer Brief, filed. ds	
5-20-68	Application of the plaintiffs for extension of time to file reply brief, filed. b	
5-20-68	Order filed, that plaintiffs are granted until June 3, 1968 within in which time to file their reply briefs herein. (Luther Bohanon - Judge) b	
5-29-68	It is ordered that the above cause be reset for hearing on Monday, June 24, 1968, at 9:30 a.m. (Murrah - CJ)w	
6-3-68	Plaintiff's Reply Brief, filed. ds copies mailed to Judge Bohanon and Judge Murrah.	
6-24-68	Hearing held on injunction. Arguments made by parties. Defendant moves for dismissal. Case submitted to the Court and taken under advisement. (Alfred P. Murrah, Luther Bohanon and Allen E. Barrow-Judges)h	
10-9-68	Letter and report of substitution of equipment, filed. js	
11-13-68	Letter and report of substitution of equipment, filed. m	
11-21-68	Judgment on Decision by the Court filed and entered. It is ordered and adjudged that the order of the Commission is set aside and the case is remanded for further action by the Commission in accordance with the views expressed in the Findings of fact and memorandum decision filed herein on 11-21-68. (M.M. Ewing-Clerk)h copies mailed.	
11-21-68	Findings of Fact and Memorandum Decision before Murrah, Circuit Judge, Bohanon and Barrow, District Judges Murrah, Circuit Judge filed. h	

DATE	PROCEEDINGS	Date Order or Judgment Noted